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FILED

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7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
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10 UNITED STATES OF AMERICA,
11
12 Plaintiff,
13 v.
14 JAMES NELSEN,
15 Defendant.

) No. CR 09-01168 RMW

)
) STIPULATION RE CONTINUANCE
) OF STATUS DATE; []
) ORDER
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16 It is hereby stipulated between the defendant James Nelsen, by and through his attorney of
17 record VICKI H. YOUNG, and the government, through Assistant United States Attorney Jeffrey B.
18 Schenk, that the status date of July 30, 2012, at 9:00 a.m. be continued to October 15, 2012, at 9:00
19 a.m. The reason for this continuance is that James Nelsen arrived at the FMC Butner on June 14,
20 2012. The commitment statute, 18 USC 4241, provides for a reasonable period of time, not to
21 exceed four months, as is necessary to determine whether there is such a substantial probability that
22 in the foreseeable future the defendant will attain the capacity to permit the proceedings to go
23 forward. Since James Nelsen just arrived at FMC Butner, a continuance of the status date to October
24 15, 2012, will allow sufficient time to complete the required evaluation before Mr. Nelsen is
25 transported back to the Northern District of California.
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STIPULATION RE CONTINUANCE;
[] ORDER

1 Under Title 18 U.S. C. §3161(h)(1)(A), any period of delay resulting from any proceeding to
2 determine the mental competency or physical capacity of the defendant is excluded from the speedy
3 trial calculation. Since we are awaiting the evaluation from FMC Butner, the time period from July
4 30, 2012, through October 15, 2012, should be excluded.

5 It is so stipulated.

6 Dated: July 4, 2012

Respectfully submitted,

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8 /s/ Vicki H. Young
9 VICKI H. YOUNG, ESQ.
10 Attorney for James Nelsen

11 Dated: July 4, 2012

MELINDA HAAG
UNITED STATES ATTORNEY

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13 /s/ Jeffrey B. Schenk
14 JEFFREY B. SCHENK
15 Assistant United States Attorney
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STIPULATION RE CONTINUANCE;
☐ ORDER

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ORDER

GOOD CAUSE BEING SHOWN, the status date appearance set for July 30, 2012, is continued to October 15, 2012. This Court finds that the period from July 30, 2012, through and including October 15, 2012, is excludable time under the Speedy Trial Act, 18 U.S.C. §3161(h). The basis for such exclusion is that any delay resulting from any proceeding to determine the mental competency or physical capacity of the defendant is excluded from the Speedy Trial Calculation. 18 U.S.C. § 3161(h)(1)(A).

DATED: ~~10~~ ~~10~~ ~~10~~ 10/15/12


RONALD M. WHYTE
SENIOR UNITED STATES DISTRICT JUDGE

STIPULATION RE CONTINUANCE
☐ ORDER